

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTONIO ONATE, JR., on behalf of himself and all
others similarly situated,

Plaintiff,

- against -

ORDER

AHRC HEALTH CARE, INC., and CARE DESIGN
NY, LLC,

20-CV-8292 (LGS)(KNF)

Defendants.

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KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

The Court has reviewed the parties' letter appearing at Docket Entry No. 53, regarding the continued dispute over the putative class list that the defendants produced to the plaintiff.

The Court ordered the defendants to "provide immediately to the plaintiffs, in writing, the criteria used to create the class list produced to the plaintiff on May 20, 2021." See Docket Entry No. 52. The parties represent that the defendant then provided to the plaintiff the following criteria:

all current and former hourly employees of Defendant, dating three years back from the filing of the lawsuit, who were compensated "based upon their scheduled hours rather than the actual time they clocked in and out," without regard to job title or job location. (See Dkt. 1, ¶ 3). For avoidance of doubt, this list is not comprised of "all hourly employees" or "all employees who used a time clock," as these attempted renderings of the class definition exceed both the Court's directives and the scope of the purported pay violations alleged in the Complaint.

The Court finds that these criteria are both clear and in line with the Court's directives given during the April 14, 2021 telephone conference addressing, inter alia, the definition of the class. Accordingly, no further clarification is needed. The parties are directed to move forward with this litigation.

Dated: New York, New York
June 14, 2021

SO ORDERED:



KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE